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E-FILED - 10/23/09

Attorney for Jose Luis Camarena Rodriguez

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOSE LUIS CAMARENA RODRIGUEZ,
Defendant.

) Case No. CR 09-00560 RMW

)
)
)
) **STIPULATION AND []**
) **ORDER EXCLUDING TIME AND**
) **RESCHEDULING STATUS HEARING**

The United States of America, by and through its counsel, Steven Seitz, and, Jose Luis Camarena Rodriguez, by and through his counsel Michelle D. Spencer, hereby agree and stipulate that the status conference currently scheduled for October 26, 2009 at 9:00 a.m. be vacated and rescheduled for November 2, 2009 at 9:00 a.m. The parties further agree and stipulate that the Court may exclude the period of time from October 26, 2009 to November 2, 2009 from the computation of the period of time within which the trial must commence for the reasons set forth in the proposed order below.

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Stipulation & Order Excluding Time
CR09-00560 RMW

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2 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO
UNITED STATES ATTORNEY

3 Dated: October 19, 2009

4 /S/
Steven Seitz
Special Assistant United States Attorney

5
6 Dated: October 19, 2009

7 /S/
MICHELLE D. SPENCER
Attorney for Jose Luis Camarena Rodriguez

8 **ORDER**

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10 Based upon the stipulation of the parties, the Court hereby orders that the status hearing in this
11 case, previously scheduled for Monday, October 26, 2009 at 9:00 a.m., be vacated and rescheduled for
12 Monday, November 2, 2009 at 9:00 a.m.

13 Pursuant to Title 18, United States Code, Section 3161(h), the Court excludes the period of
14 time from October 26, 2009 through and including November 2, 2009 from the computation of the
15 period of time within which the trial must commence. Defense counsel is unavailable on October 26,
16 2009. The Court finds that the ends of justice served by the delay outweigh the best interest of the
17 public and the defendant in a speedy trial. An exclusion of time is hereby granted pursuant to 18
18 U.S.C. § 3161(h)(8)(A) based upon continuity of counsel and effective preparation.

19 IT IS SO ORDERED.

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21 DATED: 10/23/09

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RONALD M. WHYTE
United States District Judge